

REMARKS

Reconsideration of this application is being requested. Claims 1-10 are in this application.

Claim 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes et al (US 5,613,196) in view of Sonetaka (US 6,591,107). Applicants respectfully traverse for the following reasons. First, the office action alleges that Barnes teaches “preassigned backup channel”. Specifically, the office action alleges that “backup channel” corresponds to the claim limitation “supplemental channels”. Applicants respectfully disagree. Barnes’s backup channels are not supplemental channels. Backup channels are channels used for the transmission of control messages. Col. 8, lines 20-38 and col. 17, lines 7-15. By contrast, supplemental channels are used for the transmission of user data. Thus, it is felt that Barnes does not teach or suggest supplemental channels.

Second, the office action alleges that Sonetaka teaches “open waiting states for responding to a resource request”. Specifically, the office action alleges that Sonetaka’s “occupied” (as described in the abstract) reads on applicants “open waiting state”. Applicants respectfully disagree. Applicants are unsure how “occupied” would read on “open waiting state”. As used in Sonetaka, the term “occupied” is describing a state associated with a radio-signal channel’s usage. A radio-signal channel is deemed occupied when there is traffic being transmitted over it. See abstract. By contrast, applicants’ open waiting state corresponds to a state in which waiting user data notify requests (DNRs) may be scheduled to be issued for supplemental channel resources not currently free nor available for prospective assignment. See patent application at page 12, lines 19-22. Open waiting state corresponds to a scheduling state, not an usage state. Thus, it is felt that Barnes does not teach or suggest open waiting states.

Third, the office action alleges that Sonetaka teaches “receiving a data notify request indicating a request for channel resources”. Applicants respectfully disagree. Claim 1 recites the limitation of “receiving a data notify request indicating a request for supplemental channel resources”. (underline added for emphasis) Sonetaka does not teach a data notify request for supplemental channel resources. Sonetaka teaches a request for a service channel. A service channel is not a supplemental channel. Sonetaka’s service channel appears to be a channel with

dedicated resources. The resources supporting the service channel are not concurrently supporting other service channels. The resources cannot be used to support another service channel until the current service channel (for which it supports) no longer exist (or until it is released). Such a channel is also known in the art to be a fundamental channel. See abstract and col. 1, line 54 to col. 2, line 53. By contrast, claim 1 involves supplemental channels. A supplemental channel is defined in the patent application at page 1, lines 19-21 as a channel supported by resources which may also be concurrently supporting other supplemental channels. Sonetaka does not teach any resources, much less supplemental channel resources, which can support multiple existing supplemental channels. Thus, it is felt that Sonetaka does not teach or suggest a request for supplemental channel resources.

Fourth, the office action alleges that Soentaka teaches “prospectively assigning currently unavailable channel resources.” Col. 4, lines 62-65 and col. 7, line 65 to col. 8, line 2 were cited in support thereof. Applicants respectfully disagree. Claim 1 recites the limitation of “prospectively assigning currently unavailable supplemental channel resources”. (underline added for emphasis) Sonetaka does not teach assigning currently unavailable supplemental channel resources. Sonetaka teaches a system in which channels are reserved for Service A subscribers. The reserved channels are currently free channels. Neither the reserved channels nor any other channels are being prospectively assigned when they are not currently free. The reserved channels are not assigned to a particular Service A subscriber in advance. The reserved channels can be assigned to Service A subscribers only when the reserved channels are currently free and when there are no non-reserved channels free. See col. 4, line 37 to col. 5, line 38, and Figs. 4-6. When the reserved channels are not free, they cannot be assigned to any subscriber (Service A nor B subscribers). By contrast, claim 1 involves “prospectively assigning currently unavailable supplemental channel resources.” The resources are not currently free but may nevertheless be assigned to support some future channel. Thus, it is felt that Sonetaka does not teach or suggest prospectively assigning currently unavailable supplemental channel resources.

Fifth, the office action alleges that it would have obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Sonetaka into the system of Barnes in order to assign radio channel to traffic having a high service rank. Applicants respectfully disagree. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine

reference teachings. Barnes pertains to using home channel backups for distributively interconnecting a plurality of land mobile transmission trunked communications systems into a wide area network. The home channel backups are used for transmission of control messages. See col. 8, lines 20-38 and col. 17, lines 7-15. Sonetaka, on the other hand, pertains to a method of assigning service channels to traffic in a communication system in which subscriber terminals are in communication with a base station through radio signals. See abstract. Home channel backups are not the same as service channels. Distributively interconnecting a plurality of land mobile transmission trunked communications systems into a wide area network is not the same as assigning service channels in a communication system having subscriber terminals and a base station. Given the diverse objectives of Barnes and Sonetaka, it is felt that there can be no suggestion or motivation in the knowledge generally available to one of ordinary skill in the art, to modify or combine the teachings in Barnes and Sonetaka. Furthermore, it is felt that there are no suggestion or motivation in either Barnes or Sonetaka to modify or combine the teachings in Barnes and Sonetaka.

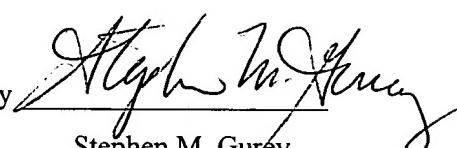
In summary, neither Barnes nor Sonetaka teach or suggest supplemental channels, open waiting states, requests for supplemental channel resources, or prospectively assigning supplemental channels. Additionally, there does not exist any suggestion or motivation in either Barnes, Sonetaka or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the teachings in Barnes and Sonetaka. Accordingly, it is felt that claim 1 is patentable under 35 U.S.C. §103(a) over Barnes et al in view of Sonetaka.

Claims 2-9 depend upon, and include all the limitations of, claim 1. For the reasons discussed earlier with respect to claim 1, it is felt that claims 2-9 are also patentable under 35 U.S.C. §103(a) over Barnes et al in view of Sonetaka.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes in view of Sonetaka and in further view of Vanderspool, II et al (US 5,261,118). Claim 10 depends upon, and includes the limitations of, claim 1. For the reasons discussed earlier with respect to claim 1, it is felt that claim 10 is patentable under 35 U.S.C. §103(a) over Barnes in view of Sonetaka and in further view of Vanderspool, II.

Based upon the foregoing reasons, applicants submit that this application is in condition for allowance. Favorable action is respectfully requested. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call applicants' attorney, **Jimmy Goo**, at **908-582-7886**.

Respectfully,
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